



BOARD FOR GEOLOGISTS AND GEOPHYSICISTS
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**MINUTES OF THE MEETING OF THE
TECHNICAL ADVISORY COMMITTEE (TAC)
May 5, 2006
2535 Capitol Oaks Drive
Sacramento, CA 95833-2926**

1. Call Meeting to Order, Roll Call to Establish Quorum

Mr. Sawyer, Chair, called the meeting to order at 9:13 a.m. and established a quorum. Mr. Sawyer announced that Cecilia Yu and Jeffrey Schmidt had joined the TAC as Ex-officio members.

Roll Call

Tony Sawyer, Chair
Cecilia Yu (Ex-officio) (departed at approximately 2:30 p.m.)
Seena Hoose
Roy Shlemon (departed at approximately 2:30 p.m.)
Kris Vyverberg
Joe Mello (arrived at approximately 9:20 a.m.)

Others in Attendance:

Paul Sweeney, Executive Officer
George Dunfield, Enforcement Manager
Mike Luksic, Engineering Geologist
Christine Doering, Staff Services Analyst
Gary Duke, Senior Legal Counsel, Department of Consumer Affairs (arrived at approximately 10:10 a.m.)
Andy Zdon, Team Engineering
Charles Nestle, AEG Southern California
Misty Kaltreider, Solano County
Kim Tremaine, Argus Technologies
Rick Rempel, Rempel Consulting Inc.

2. Public Comment on Non-Agenda Items

Mr. Rempel commented about public records and requested copies of information regarding the establishment, delegation, operation, and direction of the TAC. Mr. Rempel further inquired as to the delegated authority given to the Executive Officer and committees. Mr. Rempel was referred to the Geologist and Geophysicist Act and the Board Member Guidelines and Procedures. Ms. Hoose provided some background about the establishment of Board standing committees. Mr. Rempel requested access to records of any actions that delegates authority to special or standing committees. Mr. Sweeney

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stated that he would work with Mr. Rempel to provide the information requested. Mr. Sweeney distributed copies of the Board Member Guidelines and Procedures. Mr. Shlemon summarized the duties of the TAC in responding to requests from the Board on technical issues and making formal recommendations. Mr. Sawyer reported that a six month term extension had been granted to Mr. Shlemon, Ms. Hoose and Mr. Sawyer at the February 17, 2006 Board Meeting.

3. Approval of minutes from February 3, 2006 TAC meeting

The committee reviewed copies of the draft minutes. Mr. Shlemon moved to approve the minutes of the February 3, 2006 TAC meeting. Mr. Mello seconded the motion. The motion passed with a 3-0 vote (2 abstentions).

4. Review of California Code of Regulations section 3065, Code of Professional Standards, for possible modification by the Board

Mr. Sawyer provided committee members with a draft version of modifications. Mr. Sawyer stated that the goal was to bring the code in line with what the Board for Professional Engineers and Land Surveyors (BPELS) currently has as their Professional Code of Conduct. After a lengthy discussion and along with input from public attendees, the committee finalized recommendations for presentation to the Board at the May 19, 2006 Board Meeting. Mr. Shlemon moved to accept the changes. Mr. Hoose seconded the motion. The motion passed unanimously with a 5-0 vote.

5. Update on Forestry TAC (Item Taken Out of Order – Agenda Item #6)

Mr. Shlemon reported that the Forestry TAC has not met for several years and no longer exists as functionally there has been no need. Mr. Vyverberg concurred with Mr. Shlemon and stated that informal forums are ongoing with the same group of individuals.

6. Recommendation of New TAC Members for selection by the Board (Item Taken Out of Order – Agenda Item #9)

The committee reviewed the qualifications of seventeen (17) applicants in consideration of three (3) TAC vacancies. After significant discussion, Mr. Mello moved to recommend Tom Sheahan, David Bloom, and Charles Nestle to the Board. Ms. Vyverberg seconded the motion. The motion passed unanimously with a 5-0 vote.

7. Review of licensure fact sheets for presentation to the Board (Item Taken Out of Order – Agenda Item #5)

Ms. Vyverberg distributed copies of the draft document on geomorphology for review. Additionally, several documents were passed out for the purpose of providing background information on the topic. Ms. Vyverberg presented her topic and the committee provided input. Mr. Sawyer stated that Ms. Vyverberg would provide a draft copy for inclusion in the packet for the upcoming May 19, 2006 Board Meeting. Mr. Sawyer stated that he had written a preamble to the guidelines and read it to the committee for feedback.

(Mr. Shlemon and Ms. Yu departed the meeting at approximately 2:30 p.m.)

8. Discussion of Continuing Education requirements for geologic licensure for presentation to the Board (Item Taken Out of Order – Agenda Item #7)

Mr. Sawyer initiated discussion as to whether or not continuing education should be required. Ms. Hoose stated her concern with potential costs to licensees. Mr. Mello discussed various alternatives to classroom training requirements. Mr. Duke stated that legislative action would be necessary and that tracking and administration could be difficult. Mr. Zdon commented that continuing education helps keep geology competitive. Mr. Mello moved that the committee take a look at requiring continuing education and the specifics of what would be needed in order to implement. Ms. Hoose seconded the motion. The motion passed unanimously with a 4-0 vote.

9. Review of scope of practice issues between Registered Environmental Health Specialists (REHS), Civil Engineers and Professional Geologists, specifically septic system design issues (Item Taken Out of Order – Agenda Item #8)

Mr. Sawyer provided background information regarding REHS's and stated that they have been involved with septic system design in California since in mid 1940's. Ms. Kaltreider stated that in Solano County the septic system design must be done by a Civil Engineer or REHS (geologist can only do the siting). She asked for clarification on what is considered the practice of geology.

Ms. Hoose stated that geologists can perform septic system design so long as they are able to demonstrate that they have the appropriate experience as required by the California Practice Act. After significant discussion, Mr. Mello stated that involvement of PCE and REHS is dependent on the size of the project. Ms. Kaltreider confirmed that she is looking for guidance as to where to draw the line.

Mr. Dunfield recommended that the Board write a response to Ms. Kaltreider's inquiry in regard to scope of practice. He stated that all septic systems would be the practice of geology as defined in the Act in so far as the geologist is qualified to do the work. Ms. Hoose moved to write letter responding to Ms. Kaltreider's inquiry for recommendation to the Board. Ms. Vyverberg seconded. Mr. Sawyer stated that he would draft a response.

Ms. Kaltreider stated that Solano County management interprets the ordinance as engineering and that REHS's can perform. Mr. Mello stated that BPELS has made the determination that it is not engineering. The vote passed unanimously with a 4-0 vote.

10. Election of TAC Chair and Vice-Chair for Fiscal Year 2006-07 (Item Taken Out of Order – Agenda Item #11)

Mr. Sawyer recommended that the vote for Chair be conducted at the next meeting with the new committee members in attendance. Ms. Vyverberg moved to elect Mr. Mello as the interim Vice-Chair. Mr. Mello seconded. The vote passed unanimously with a 4-0 vote.

11. Technical Advisory Committee Chair's report, announcements, homework assignments and scheduling of Agenda items for July 28, 2006 TAC meeting (Item Taken Out of Order – Agenda Item #10)

Mr. Sawyer announced that the next TAC meeting is scheduled for July 28, 2006, Ms. Vyverberg would finish her draft document, and the TAC would receive more assignments from the Board at the May 19, 2006 Board Meeting. Mr. Sawyer asked Mr. Duke for clarification of the areas of Civil Engineers versus Professional Geologists. Mr. Duke stated that BGG and BPELS have long histories of dealing with fields of expertise issues. He stated that in late 1970's a fields of expertise document came out and a joint committee drafted a revised version. BPELS adopted the revised document; however, BGG did not. Ultimately, it was challenged as an underground regulation and a determination was made against BPELS. Ms. Hoose stated that the Board should reevaluate the Fields of Expertise issue.

12. Adjournment

Ms. Vyverberg moved to adjourn the meeting. Ms. Hoose seconded. The motion passed unanimously with a 4-0 vote. The meeting was adjourned at approximately 4:10 p.m.

Joe Mello, Committee Chair

Paul Sweeney, Executive Officer

Date Approved: July 28, 2006